United States Court of Appeals
For the First Circuit

No. 09-1969

WELLS REAL ESTATE INVESTMENT TRUST II, INC.,

Plaintiff, Appellant,

v.

CHARDON/HATO REY PARTNERSHIP, S.E.,

Defendant, Appellee.

JUDGMENT

Entered: August 5, 2010

This cause came on to be heard on appeal from the United States District Court for the District of Puerto Rico and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is affirmed in part and vacated in part, and the case is remanded to the district court for further proceedings consistent with the opinion issued this day. Each party shall bear its own costs on appeal.

By the Court:

/s/ Margaret Carter, Clerk

cc: Hon. Jaime Pieras, Ms. Frances de Moran, Clerk, United States District Court for the District of Puerto Rico, Mr. Pietrantoni, Ms. Cabrera-Gomez, Mr. Casellas, Ms. Munich, Ms. Frattalone Marti, Mr. Biaggi Garcia, Mr. Tulla, Mr. Bague-Solo, Mr. Suden, Mr. Steiner & Mr. Schumacher.